

Assembly Concurrent Resolution

No. 74

Introduced by Assembly Member Portantino

May 18, 2009

Assembly Concurrent Resolution No. 74—Relative to the treatment of animals *umbilical cord blood banking*.

LEGISLATIVE COUNSEL'S DIGEST

ACR 74, as amended, Portantino. ~~Animal shelters: No Kill movement policies.~~ Umbilical cord blood banking.

This measure would state that the Legislature desires to find ways to help California gain a viable public umbilical cord blood banking system to ensure all races and ethnicities have an equal probability of finding a match when medically necessary. This measure would also specify that the Legislature supports related research being done with collected units that are not suitable for transplantation.

~~This measure would urge local animal services agencies, local animal shelters, agencies under contract to provide animal services, societies for the prevention of cruelty to animals, and humane societies to embrace the philosophy of the No Kill movement and implement its programs and services aimed at ending the mass killing of sheltered animals.~~

Fiscal committee: no.

- 1 *WHEREAS, Since the first umbilical cord blood transplant in*
- 2 *1988, the industry of collecting umbilical cord blood for public or*
- 3 *private use has grown rapidly both as a treatment for over 70*
- 4 *medical conditions and as an industry of biological insurance;*
- 5 *and*

1 *WHEREAS, Even with the industry’s rapid growth and umbilical*
2 *cord blood’s current use to treat blood cancers, such as leukemia,*
3 *myeloma, and lymphoma, and more than 70 inherited*
4 *immunodeficiencies and other genetic and acquired blood diseases,*
5 *including sickle cell anemia, thalassemias, hemoglobinopathies,*
6 *aplastic anemias, and marrow failure disorders, and inherited*
7 *disorders or errors of metabolism, the public is largely unaware*
8 *of the critical differences between public umbilical cord blood*
9 *banking and private umbilical cord blood banking systems; and*

10 *WHEREAS, Umbilical cord blood can be collected privately for*
11 *any consumer who wishes to pay for both collection and storage.*
12 *The private umbilical cord blood banking industry is entirely*
13 *supported by consumers who pay about \$2,000 to collect, and*
14 *\$200 annually to store, their families’ umbilical cord blood. Private*
15 *banks do not charge consumers for release of their umbilical cord*
16 *blood and any decision regarding the use of the unit is up to the*
17 *donor or the donor’s family; and*

18 *WHEREAS, Consumers are informed that banking their families’*
19 *umbilical cord blood may be clinically useful for their future*
20 *medical needs, but since most transplants do not involve privately*
21 *banked umbilical cord blood, some medical organizations*
22 *recommend against private umbilical cord banking unless there*
23 *are clear medical reasons for its use; and*

24 *WHEREAS, The exploration of umbilical cord blood’s capacity*
25 *to cure is in its early stages, but since there is a strong likelihood*
26 *that the use of one’s own stem cells, specifically in regenerative*
27 *medicine, will increase, the future of this incredible potential*
28 *supports private umbilical cord blood banking as a prudent choice*
29 *for those who can afford it; and*

30 *WHEREAS, Over the last 20 years, transplant physicians chose*
31 *family banks to transplant perfectly matched siblings. Recently,*
32 *neurological disorders, such as cerebral palsy and other injuries*
33 *to the brain, are being treated with the donor’s own stem cells,*
34 *and there are clinical trials approved by the United States Food*
35 *and Drug Administration (FDA) to evaluate the use of a child’s*
36 *own umbilical cord blood in regenerative therapies for diseases*
37 *and conditions that could not previously be treated, such as*
38 *juvenile diabetes. These indicate many future cures may come from*
39 *autologous cells using the patient’s own immune system; and*

1 *WHEREAS, The private banking industry has been largely*
2 *responsible for the public's current knowledge of umbilical cord*
3 *blood banking and has been a consistent advocate of disseminating*
4 *information about umbilical cord blood banking to pregnant*
5 *women and their families; and*

6 *WHEREAS, The trend of disseminating information about*
7 *umbilical cord blood banking culminated in California with the*
8 *enactment of Senate Bill 1555 (Chapter 484 of the Statutes of 2006)*
9 *that authorizes distribution of information to families about*
10 *umbilical cord blood banking; and*

11 *WHEREAS, Several other states passed similar laws around*
12 *the same time as the enactment of Senate Bill 1555; and*

13 *WHEREAS, In 2007, the California Legislature shifted its focus*
14 *from disseminating information about umbilical cord blood*
15 *banking to taking measures to ensure all races and ethnicities of*
16 *all incomes have an equal probability of finding a suitable match*
17 *on public umbilical cord blood registries; and*

18 *WHEREAS, Umbilical cord blood collected for public use is in*
19 *high demand; and*

20 *WHEREAS, The collection and storage of umbilical cord blood*
21 *for public use is free of charge to the donor and listed on public*
22 *registries for access by health providers for transplantation; and*

23 *WHEREAS, Public umbilical cord blood banks have been chosen*
24 *by transplanting physicians to provide stem cell units for*
25 *approximately 95 percent of the 20,000 transplants performed to*
26 *date; and*

27 *WHEREAS, Since the probability of finding a tissue match is*
28 *greatest among persons of similar genetic backgrounds and the*
29 *current inventory is deficient of genetically diverse umbilical cord*
30 *blood, especially from specific ethnic, racial, and multiracial*
31 *individuals, collection efforts are aimed directly at*
32 *underrepresented groups; and*

33 *WHEREAS, Since only about one-third of collected umbilical*
34 *cord blood is usable for transplantation, the remaining units should*
35 *be provided to research institutions exploring the potential of*
36 *umbilical cord blood stem cells to treat many debilitating and*
37 *lethal medical conditions; and*

38 *WHEREAS, The public umbilical cord blood banking system*
39 *needs financial support to ensure inventories can provide all ethnic*
40 *and racial groups with an equal probability of a match. Since*

1 public umbilical cord blood systems do not charge donors, funds
2 do not flow until units are released to transplanting health
3 providers, at a cost of about \$20,000 to \$25,000 per unit. However,
4 the current low inventory means the number of matches are limited,
5 and this system under which payment is made after a match is
6 found makes it difficult for public banks to generate enough capital
7 to fund significant increases in the inventory without outside
8 support; and

9 WHEREAS, The federal government enacted the Stem Cell
10 Therapeutic and Research Act of 2005 to collect and maintain
11 umbilical cord blood for public use in transplantation and
12 research. To help in this effort, Assembly Bill 34 (Chapter 516 of
13 the Statutes of 2007) was enacted to create a public banking
14 infrastructure in California that adds genetically diverse umbilical
15 cord blood units to the national public inventory to ensure
16 Californians, who are ethnically and genetically diverse, have
17 their ethnic and genetic diversity reflected in the inventory. The
18 more the inventory mirrors the genetic makeup of our state's
19 population, the greater the chance our constituents will find a
20 match when they are in need; and

21 WHEREAS, These actions changed California's focus from
22 being about disseminating information about umbilical cord blood
23 banking to funding efforts that would collect and store umbilical
24 cord blood for public use; and

25 WHEREAS, Since almost half the births in California are to
26 mothers enrolled in state-funded programs who cannot afford to
27 bank privately, their only option is public banking; and

28 WHEREAS, The National Marrow Donor Program, in a recent
29 plea to states to help increase the national umbilical cord blood
30 public inventory, stated the following:

31 (1) States can help expand the number of publicly available
32 umbilical cord blood units by appropriating additional resources
33 for the collection and storage of units.

34 (2) Many states are currently passing legislation that mandates
35 public awareness campaigns or development of educational
36 materials, or both. These efforts can create a demand that cannot
37 be met in many areas and they do little to expand the national
38 public umbilical cord blood inventory; and

39 WHEREAS, The future of medicine that relies on umbilical cord
40 blood stem cells will likely require both public and private family

1 *umbilical cord blood banking systems and collaborations between*
2 *the two systems. However, without building a viable public banking*
3 *system, these joint ventures will not be realized and many*
4 *Californians will be unable to access the benefits of current and*
5 *future health remedies umbilical cord blood does and will provide;*
6 *now, therefore, be it*

7 **RESOLVED BY THE ASSEMBLY OF THE STATE OF**
8 **CALIFORNIA, THE SENATE THEREOF CONCURRING, That**
9 *the Legislature desires to find ways to help California gain a viable*
10 *public umbilical cord blood banking system to ensure all races*
11 *and ethnicities have an equal probability of finding a match when*
12 *medically necessary; and be it further*

13 **RESOLVED, That the Legislature supports related research**
14 *being done with collected units that are not suitable for*
15 *transplantation; and be it further*

16 **RESOLVED, That the Chief Clerk of the Assembly transmit**
17 *copies of this resolution to the State Department of Public Health*
18 *and the California Institute for Regenerative Medicine.*

19 ~~WHEREAS, Societies for the prevention of cruelty to animals;~~
20 ~~animal shelters, and other humane organizations were formed to~~
21 ~~establish standards for humane treatment of animals and to protect~~
22 ~~them from harm; and~~

23 ~~WHEREAS, Traditional sheltering practices allow the mass~~
24 ~~killing of sheltered animals; and~~

25 ~~WHEREAS, Every year animal shelters in California are killing~~
26 ~~thousands of healthy and treatable animals that could be placed in~~
27 ~~homes and thousands of feral cats that do not belong in animal~~
28 ~~shelters; and~~

29 ~~WHEREAS, Citizens have a right to expect animal protection~~
30 ~~organizations, animal services agencies, animal shelters, agencies~~
31 ~~under contract to provide local animal services, societies for the~~
32 ~~prevention of cruelty to animals, and humane societies to do~~
33 ~~everything in their power to promote, protect, and advocate for~~
34 ~~the lives of animals; and~~

35 ~~WHEREAS, Citizens have a right to have their government~~
36 ~~spend their tax dollars not on programs and services that kill~~
37 ~~animals but on those that save and enhance the lives of animals~~
38 ~~and protect animals from cruelty; and~~

39 ~~WHEREAS, Citizens have the right to full and complete~~
40 ~~disclosure about how animal shelters operate; and~~

1 ~~WHEREAS, The No Kill movement in the United States has~~
2 ~~successfully implemented new and innovative programs that~~
3 ~~provide alternatives to killing sheltered animals; and~~

4 ~~WHEREAS, Under the No Kill animal sheltering method, shelter~~
5 ~~directors dedicate themselves and actively commit management~~
6 ~~and staff to animal lifesaving programs and policies to promptly~~
7 ~~end mass killing of sheltered animals; and~~

8 ~~WHEREAS, The No Kill animal sheltering method creates and~~
9 ~~funds high-volume, low- and no-cost spay or neuter services; and~~

10 ~~WHEREAS, The No Kill animal sheltering method incorporates~~
11 ~~the following animal lifesaving programs and policies:~~

12 ~~(a) Volunteer foster care network programs to care for sheltered~~
13 ~~animals that are underaged, traumatized, sick, injured, or otherwise~~
14 ~~in need of refuge, unless the prognosis for rehabilitation of that~~
15 ~~individual animal is poor or grave.~~

16 ~~(b) Comprehensive adoption programs that operate during~~
17 ~~weekend and evening hours and include offsite adoption venues.~~

18 ~~(c) Medical and behavioral rehabilitation programs, which may~~
19 ~~include the creation of a special public monetary fund, that allow~~
20 ~~outside veterinarians to do voluntary rotations to supplement staff,~~
21 ~~provide medical help, diagnose, vaccinate, and administer~~
22 ~~medication and treatment.~~

23 ~~(d) Pet retention programs to solve medical, environmental, or~~
24 ~~behavioral problems, which include, but are not limited to,~~
25 ~~shelter-housed pet care libraries, free in-home dog behavior~~
26 ~~problem solving taught by volunteers, low-cost or~~
27 ~~volunteer-provided dog training, and pet behavior classes.~~

28 ~~(e) Multilingual public education and awareness programs.~~

29 ~~(f) Feral cat trap-neuter-return or release (TNR) programs for~~
30 ~~the purposes of ending the policy of accepting trapped feral cats~~
31 ~~to be destroyed as unadoptable, and establishing TNR as the~~
32 ~~accepted method of feral cat control by educating the public about~~
33 ~~TNR and offering TNR program services.~~

34 ~~(g) Animal socialization programs using community volunteers.~~

35 ~~(h) Volunteer programs to socialize animals, promote adoptions,~~
36 ~~and assist in shelter operations.~~

37 ~~(i) Voluntary animal training programs offered to government~~
38 ~~controlled shelters by dog and cat breed clubs, certified training~~
39 ~~groups, or animal trainers.~~

1 ~~(j) Government-employed animal shelter staff participation in~~
2 ~~breed identification training.~~

3 ~~(k) Creation and maintenance of a directory of local nonprofit~~
4 ~~rescue groups.~~

5 ~~(l) Prekilling notification to rescue groups before animals are~~
6 ~~killed.~~

7 ~~(m) Rescue group access to sheltered animals during normal~~
8 ~~business hours for the purpose of identification, adoption, or advice~~
9 ~~on the treatment of their breed.~~

10 ~~(n) Adoption or release of animals to rescue organizations for~~
11 ~~rehoming.~~

12 ~~(o) Documentation that all efforts to save an animal have been~~
13 ~~considered before killing the animal, including medical and~~
14 ~~behavioral rehabilitation, foster care, rescue groups, neuter and~~
15 ~~release, and adoption.~~

16 ~~(p) Killing an animal only after the shelter has made an~~
17 ~~independent determination that the animal is irremediably suffering~~
18 ~~or cannot be rehabilitated.~~

19 ~~(q) Temperament testing by persons trained in animal behavior~~
20 ~~sciences which results in less killing of animals that are not truly~~
21 ~~vicious but can be placed in homes or released, such as shy, timid,~~
22 ~~or frightened animals.~~

23 ~~(r) Owner counseling on owner-requested killing of animals to~~
24 ~~ascertain if there is an alternative that will allow the owner to keep~~
25 ~~the animal and to determine whether the animal can be rehomed.~~

26 ~~(s) Examination of animal control ordinances, such as cat~~
27 ~~licensing, pet limit laws, bans on feeding stray animals, bans on~~
28 ~~specific breeds, and mandatory spay and neuter programs, to assess~~
29 ~~the effectiveness of those ordinances and their impact on animal~~
30 ~~death rates; and~~

31 ~~WHEREAS, The Legislature believes animal lifesaving changes~~
32 ~~will come about if No Kill programs are embraced and further~~
33 ~~developed; now, therefore, be it~~

34 ~~*Resolved by the Assembly of the State of California, the Senate*~~
35 ~~*thereof concurring,* That the Legislature encourages No Kill animal~~
36 ~~shelter policies and procedures as the foundation for animal~~
37 ~~sheltering; and be it further~~

38 ~~*Resolved,* That the Legislature urges all local animal services~~
39 ~~agencies, local animal shelters, agencies under contract to provide~~
40 ~~animal services, societies for the prevention of cruelty to animals,~~

1 and humane societies to embrace the philosophy of the No Kill
2 movement, and to immediately begin implementing programs and
3 services to reject failed kill-oriented policies and end the mass
4 killing of sheltered animals; and be it further
5 *Resolved*, That the Chief Clerk of the Assembly transmit copies
6 of this resolution to the author for appropriate distribution.

O